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10/813,875	03/31/2004	Niniane Wang	24207-10106	5752

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EXAMINER
ROSE, HELENE ROBERTA

ART UNIT	PAPER NUMBER
2163	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)	
Office Action Summary	10/813,875	WANG ET AL.	
	Examiner	Art Unit	
	Helene Rose	2163	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>14 March 2007</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-56</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-56</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>31 March 2004</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date <u>10/20/04</u>.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

Detailed Action

1.   In response to communication filed on 3/14/2007, Claims 1, 8-9, 22, 27, 34-35, 48, and 53 have been amended. Claims 54-56 have been added. No claims were cancelled.

2.   Applicant's arguments filed with respect to the rejected claims have been fully considered but they are not persuasive.

Information Disclosure Statement

3.   The information disclosure statement (IDS) submitted on 10/20/2004, accordingly, the information disclosure statement has been considered by the examiner.

Claim Rejections – 35 U.S.C – 112

4.   Claims 1, 22, 48, and 53 (and their dependent claims where applicable) are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

5.   Claims 1, 22, 48, and 53, recite the limitation "implicit query", which renders the claim indefinite because neither the claim nor the specification conveys a clear or precise explanation of what "implicit query" means.

Therefore, It is difficult for the examiner to interpret the following claims not knowing how the limitation "implicit query" constitutes. Thus, all claims have been examined with the examiner broadest reasonable interpretation.

Claim Rejections – 35 U.S.C – 103

6.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness

rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or
> described as set forth in section 102 of this title, if the differences between the subject
> matter sought to be patented and the prior art are such that the subject matter as a whole
> would have been obvious at the time the invention was made to a person having ordinary
> skill in the art to which said subject matter pertains. Patentability shall not be negatived by
> the manner in which the invention was made.

7.   Claims 1-56 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ryan et al.

(US Patent No. 6,421,675, Date of Patent: July 16, 20002, hereinafter Ryan) in view of Knight et al

(US Patent No. 6,571,234, Date Filed: May 11, 1999, hereinafter Knight).

Claims 1 and 27:

Regarding Claims 1 and 27, discloses a method/computer-readable medium utilizing the

same functionality, wherein Ryan discloses a method/computer-readable medium containing

program code **for ranking article identifiers of a result set from an implicit query, the program

code** comprising:

program code for receiving an event, wherein the event comprises a user interaction with

an article on a client device, wherein the article is capable of being associated with at least one of a

plurality of client applications (column 4, lines 12-15, wherein sequences of coded program

instructions operated upon by a server computer; Figure 2, diagram 50, data inputs to the search

engine, diagram 90, wherein a list of web pages are shown, diagram 52, wherein a user can find a

list of web pages based on a word or phrase search, diagram 58, wherein a searcher can

determine the type of search results they would like such as popular, new, and etc, see column 5,

lines 11-65, wherein different types of searches can be operated by a user, Ryan);

program code for extracting at least one keyword from the event (Figure 1 A, diagrams 14 and 28, Ryan);

Ryan does not teach "program code for generating an **implicit** query based at least in part on the at least one keyword".

Ryan does not teach "program code for performing a search of events based at least in part on the **implicit** query to determine a result set, wherein the result set comprises one or more article identifiers associated with articles relevant to the **implicit** query".

On the other hand, Knight does teach "program code for generating an **implicit** query based at least in part on the at least one keyword" (columns 19-20,lines 63-67 and lines 1-16, wherein this reads over "as each query/message is handled by system 200, it is broken down and analyzed for keywords, which are then tabulated and based on such tabulation, a service provider can quickly identify new subject matter of general interest to the particular online community, wherein this is interpreted to be equivalent to "generating an implicit query based at least in part on the at least one keyword", and lines 10-27, wherein by extracting and tabulating keywords in such postings and queries, a numerical ranking or index can be built of subjects that are apparently of current interest to the community, similar examples of fields of interest are medicine, health, education and so forth and wherein this numerical index can be used on a daily basis by the service provider to automatically extract information of interest to the online community in one of two manners ....", wherein this is interpreted to be equivalent to "an implicit query is generated based on a keyword extracted from an event", Knight);

Knight does teach "program code for performing a search of events based at least in part on the **implicit** query to determine a result set (column 20, lines 11-13, wherein by extracting and tabulating keywords in such postings and queries a numerical ranking or index can be built of

subjects that are apparently of current interest to the community, Knight), wherein the result set

comprises one or more article identifiers associated with articles relevant to the **implicit** query"

(column 19, lines 45-56, wherein service providers specified queries correspond generally to data

filters conceived, authored, and/or formulated manually by operators associated with service

providers, wherein these data filters can be based on the specific subject matter of the message

board system so that the data filter for a financial community is set up to look of discussions for a

particular stock, which is interpreted to be equivalent to "implicit query", similarly a medical

community of online users might specify materials associated with medical development in a

specific field should be extracted, wherein this is interpreted to be equivalent to "one or more

articles identifiers (interpreted to correspond to 'medical community of online users') associated

with articles (interpreted to correspond to 'materials associated with medical development')" and

therefore overall equivalent to "one or more article identifiers associated with articles relevant to the

implicit query", Knight); and

> program code for ranking the article identifiers (column 6, lines 30-36 Ryan).

> It would have been obvious to one of the ordinary skill in the art at the time of the invention

to incorporate Knight teachings into Ryan system. A skilled artisan would have been motivated to

combine as suggest by Knight [column 8, lines 46-51] for enhancing/improving the overall

performance of the system to display a collective amount of shared interest and desires as it

applies to a user request.

Claims 2 and 28:

> Regarding Claims 2 and 28, the combination of Ryan in view of Knight teaches wherein

ranking the article identifiers is based at least in part on a user preference (Figure 3B, all features,

Ryan).

Claims 3 and 29:

Regarding Claims 3 and 29, the combination of Ryan in view of Knight teaches wherein

the user preference is based at least in part on click-through data (Figure 3B, wherein user

selection from hit list, Ryan).

Claims 4 and 30:

Regarding Claims 4 and 30, the combination of Ryan in view of Knight teaches wherein

the user preference is based at least in part on file type (column 8, lines 47-49, wherein the user

enters up to 4 sets of data; keyword; profile types; search type and user id; column 14, lines 31-52,

Ryan).

Claims 5 and 31:

Regarding Claims 5 and 31, the combination of Ryan in view of Knight teaches wherein

ranking the article identifiers is based at least in part on meta-data associated with an article

(Figures 19 and 20, all features, wherein defined in column 28, lines 19-53; column 30, lines 62-66,

wherein each content transmitted with the search results made up of web pages listing is tagged,

wherein meta-data is interpreted to be data used to describe other data, Ryan).

Claims 6 and 32:

Regarding Claims 6 and 32, the combination of Ryan in view of Knight teaches wherein

the meta-data comprises at east one of bolding, highlighting, italicizing, font color, or heading data

(column 30, lines 13-14, Ryan).

Claims 7 and 33:

Regarding Claims 7 and 33, the combination of Ryan in view of Knight teaches wherein

ranking the article identifiers is based at least in part on a term frequency and a document

frequency (column 21, lines 1-3, wherein frequency of key word usage; column 30, lines 21-22,

found from keyword table 164; column 12, wherein table 2 illustrates a frequency of a URL, i.e. webpage, is visited, Ryan).

Claims 8 and 34:

Regarding Claims 8 and 34, the combination of Ryan in view of Knight teaches wherein ranking the article identifiers **comprises determining a rank that** is proportional to the log of the sum of a first constant plus the term frequency and inversely proportional to the log of the sum of a second constant plus the document frequency (column 13, lines 55-61, Ryan).

Claims 9 and 35:

Regarding Claims 9 and 35, the combination of Ryan in view of Knight teaches wherein ranking the article identifiers **comprises determining a rank that** is proportional to the log of the sum of a constant plus a term frequency and inversely proportional to the output of a mapping function that maps ranges of document frequency into constants (columns 17-18, lines 40-55 and lines 1-10, wherein a historical factor, and a URL address hit is computed; column 38, lines 7-10, wherein a statistical analysis is performed, Ryan).

Claims 10 and 36:

Regarding Claims 10 and 36, the combination of Ryan in view of Knight teaches wherein ranking the article identifiers is based at least in part on number data (column 11, wherein table one is defined; column 13, lines 54-59, Ryan).

Claims 11 and 37:

Regarding Claims 11 and 37, the combination of Ryan in view of Knight teaches wherein the number data comprises a number of letters in the keyword (column 14, lines 57-67, wherein table six is defined and illustrates letters associated with a keyword, Ryan).

<u>Claims 12 and 38</u>:

Regarding Claims 12 and 38, the combination of Ryan in view of Knight teaches wherein the number data comprises whether a keyword comprises numbers (column 11, lines 30-40, wherein table 1 a unique number for each keyword, Ryan).

<u>Claims 13 and 39</u>:

Regarding Claims 13 and 39, the combination of Ryan in view of Knight teaches wherein ranking the article identifiers is based at least in part on capitalization data (column 31, lines 28-30, wherein a dollar symbol is associated with a bid, Ryan).

<u>Claims 14 and 40</u>:

Regarding Claims 14 and 40, the combination of Ryan in view of Knight teaches wherein ranking the article identifiers is based at least in part on a number of sources from which the keyword was extracted (Figure 19, all features, Ryan).

<u>Claims 15 and 41</u>:

Regarding Claims 15 and 41, the combination of Ryan in view of Knight teaches wherein ranking the article identifiers is based at least in part on a number of result sets in which the result appears (Figure 24, all features, Ryan).

<u>Claims 16 and 42</u>:

Regarding Claims 16 and 42, the combination of Ryan in view of Knight teaches wherein the keywords are associated with keyword ranking scores (column 20, lines 34-37, Ryan).

<u>Claims 17 and 43</u>:

Regarding Claims 17 and 43, the combination of Ryan in view of Knight teaches wherein ranking the article identifiers is based at least in part on the keyword ranking scores (column 21, lines 51-67, Ryan).

Claims 18 and 44:

Regarding Claims 18 and 44, the combination of Ryan in view of Knight teaches wherein ranking the article identifiers comprises assigning a higher ranking to article identifiers associated with articles containing higher ranked keywords (column 21, lines 65-67, Ryan).

Claims 19 and 45:

Regarding Claims 19 and 45, the combination of Ryan in view of Knight teaches wherein extracting at least one keyword from an event comprises extracting a keyword from at least one of recently typed words, an entire document, a selected portion of a document, or words surrounding a cursor (columns 22-23, lines 65-67 and lines 1-5, Ryan).

Claims 20 and 46:

Regarding Claims 20 and 46, the combination of Ryan in view of Knight teaches wherein extracting at least one keyword from an event comprises determining proper names (column 18, lines 45-67, Ryan).

Claims 21 and 47:

Regarding Claims 21 and 47, the combination of Ryan in view of Knight teaches wherein determining proper names comprises crawling at least one article (column 5, lines 42-44, wherein target audience, are based on profile types; column 6, lines 55-60; column 19, lines 31-33, wherein sending specialist crawlers out to find web site addresses and key words, Ryan).

Claims 22 and 48:

Regarding Claims 22 and 48 discloses a method/computer-readable medium utilizing the same functionality, wherein Ryan discloses a method/computer-readable medium containing program code **for outputting article identifiers from a result set from an implicit query, the program code** comprising:

program code for receiving an event, wherein the event comprises a user interaction with an article on a client device, wherein the article is associated with at least one of a plurality of client applications (Refer to claims 1 and 27, wherein this limitation has already been addressed, Ryan);

program code for extracting at least one keyword from the event (Refer to claims 1 and 27, wherein this limitation has already been addressed, Ryan);

Ryan does not teach " program code for generating an **implicit** query based at least in part on the at least one keyword".

Ryan does not teach "program code for performing a search based at least in part on the **implicit** query to determine a result set, wherein the result set comprises one or more article identifiers associated with articles comprising the at least one keyword".

On the other hand, Knight teaches "program code for generating an **implicit** query based at least in part on the at least one keyword (Refer to claims 1 and 27, wherein this limitation has already been addressed, Knight);

Knight teaches "program code for performing a search based at least in part on the **implicit** query to determine a result set, wherein the result set comprises one or more article identifiers associated with articles comprising the at least one keyword (Refer to claims 1 and 27, wherein this limitation is substantially the same/or similar and therefore rejected under the same rationale, Knight);

program code for filtering in the result set based on a threshold (columns 16-17, lines 61-67 and lines 1-6, wherein illustrated within table 8, Ryan); and

program code for outputting the **article identifiers associated with the filtered** result set (column 19, lines 62-66, wherein service provider specified queries are auto generated community

based queries and wherein data extraction filters are generated as a result of monitoring subscriber query and subscriber postings made to database system, Knight).

It would have been obvious to one of the ordinary skill in the art at the time of the invention to incorporate Knight teachings into Ryan system. A skilled artisan would have been motivated to combine as suggest by Knight [column 8, lines 46-51] for enhancing/improving the overall performance of the system to display a collective amount of shared interest and desires as it applies to a user request.

Claims 23 and 49:

Regarding Claims 23 and 49, the combination of Ryan in view of Knight teaches wherein the threshold comprises a number of keywords (Figure 1A, diagram 14, Ryan).

Claims 24 and 50:

Regarding Claims 24 and 50, the combination of Ryan in view of Knight teaches wherein the threshold comprises a minimum weighting score based at least in part on one or more of a number of keywords multiplier, a source multiplier, and a time multiplier (column 25, lines 17-22, Ryan).

Claims 25 and 51:

Regarding Claims 25 and 51, the combination of Ryan in view of Knight teaches determining a ranking score for each of the one or more articles identifiers (column 33, lines 31-35, wherein the highest value of p for the keyword or profile type determines the type of content that is transmitted along with the web page listing, Ryan).

Claims 26 and 52:

Regarding Claims 26 and 52, the combination of Ryan in view of Knight teaches arranging

the article identifiers based at least in part on ranking score (column 23, lines 12-19, wherein the

web pages are ranked based on the date of when the web page was visited, Ryan).

Claim 53:

Regarding Claim 53, Ryan teaches a method **of ranking article identifiers of a result set**

from an implicit query, the method comprising:

receiving **a contextual** event, the event comprising **a user's modification of a file** on a

client device (Refer to claims 1 and 27, wherein this limitation has already been addressed, Ryan);

receiving an event, the event comprising activity associated with an article on a client

device (Refer to claims 1 and 27, wherein this limitation has already been addressed, Ryan);

extracting at least one keyword from the **contextual** event (Refer to claims 1 and 27,

wherein this limitation has already been addressed, Ryan);

Ryan does not teach "generating an **implicit** query based at least in part on the at least

one keyword".

Ryan does not teach "performing a search based at least in part on the **implicit** query to

determine a result set, wherein the result set comprises one or more article identifiers associated

with articles comprising the at least one keyword".

On the other hand, Knight teaches generating an **implicit** query based at least in part on

the at least one keyword (Refer to claims 1 and 27, wherein this limitation has already been

addressed, Knight);

Knight teaches performing a search based at least in part on the **implicit** query to

determine a result set, wherein the result set comprises one or more article identifiers associated

with articles comprising the at least one keyword (Refer to claims 1 and 27, wherein this limitation

has already been addressed, Knight;

determining a ranking score for the one or more article identifiers based on one or more of:

user preference data, click-through data, file type, meta-data, **term frequency, inverse**

document frequency, number data, capitalization data, proper names, number of sources, and

number of queries (Refer to claim 2, wherein user preference imitation has already been

addressed, Ryan); **and**

ranking the one or more article identifiers in the result set based on the ranking

score (Refer to claim 1 and 27, wherein this limitation is substantially the same/or similar

and therefore rejected under the same rationale ~ Ryan).

It would have been obvious to one of the ordinary skill in the art at the time of the invention

to incorporate Knight teachings into Ryan system. A skilled artisan would have been motivated to

combine as suggest by Knight [column 8, lines 46-51] for enhancing/improving the overall

performance of the system to display a collective amount of shared interest and desires as it

applies to a user request.

Claim 54:

Regarding Claim 54, the combination of Ryan and Knight teaches wherein the article is a

document on the client device, and wherein the event comprises an addition of words to the

document (Figure 3C, diagram 340, wherein additional text is defined, Knight).

Claim 55:

Regarding Claim 55, the combination of Ryan and Knight teaches wherein the article is a

document on the client device, and wherein the event comprises a placement of a cursor near

words in the document (column 16, lines 1-6, respectively, Knight).

Claim 56:

Regarding Claim 56, the combination of Ryan and Knight teaches wherein the article is

associated with one client application selected from a group consisting of a word processing

program, a spreadsheet program, a presentation program, an e-mail program, an instant

messenger program, and a database program (column 15, lines 15-18 and 49-50, wherein

messages can be searched, wherein this is interpreted to be equivalent to and email program,

Knight).

Examiner Response to Applicant's Arguments

Applicant's arguments filed on 3/14/2007, with respect to the rejected claims in view of the

cited references have been considered but are moot in view of applicant's amended claims

necessitate new ground(s) of rejection.

Prior Art of Record

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

1.Ryan et al. (US Patent No. 6,421,675) discloses updating an Internet search engine database with the results of user's selection of specific web page listing from the general web page listing provided to user as a result of his initial keyword search entry.

2.Douglass et al (US Publication No. 20020040311) discloses a computerized web page rating method encoded on a computer readable medium.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action
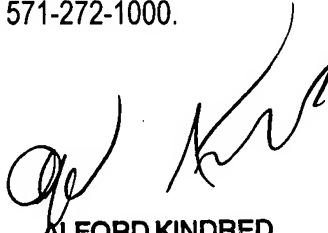
Point of Contact:

Any inquiry concerning this communication or earlier communications from the examiner

should be directed to Helene Rose whose telephone number is (571) 272-0749. The examiner can

normally be reached on 8:00am - 4:30pm Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Don Wong can be reached on (571) 272-1834. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications may

be obtained from either Private PAIR or Public PAIR. Status information for unpublished

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information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

HRR
Technology Center 2100
May 29, 2007

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PRIMARY EXAMINER